

## CCRB INVESTIGATIVE RECOMMENDATION

|  |  |                                     |  |                                    |                                 |
|--|--|-------------------------------------|--|------------------------------------|---------------------------------|
| Investigator:<br>Justin Huang                      | Team:<br>Squad #4  | CCRB Case #:<br>202003893           | <input type="checkbox"/> Force                         | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |  |                                     | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Wednesday, 06/03/2020 12:00 PM | Location of Incident:<br>Manhattan Bridge on the Brooklyn side entrance                | Precinct:<br>84                     | 18 Mo. SOL<br>12/3/2021                                | EO SOL<br>5/4/2022                 |                                 |
| Date/Time CV Reported<br>Wed, 06/03/2020 11:21 PM  | CV Reported At:<br>CCRB  | How CV Reported:<br>On-line website | Date/Time Received at CCRB<br>Wed, 06/03/2020 11:21 PM |                                    |                                 |
| <b>Complainant/Victim</b>                          | <b>Type</b>  | <b>Home Address</b>                 |  |                                    |                                 |
|  |  |                                     |  |                                    |                                 |
| <b>Subject Officer(s)</b>                          | <b>Shield</b>  | <b>TaxID</b>                        | <b>Command</b>   |                                    |                                 |
| 1. POM Joseph Donato                               | 04235  | 965704                              | 107 PCT  |                                    |                                 |
| <b>Officer(s)</b>                                  | <b>Allegation</b>  |                                     |  | <b>Investigator Recommendation</b> |                                 |
| A.POM Joseph Donato                                | Abuse: Police Officer Joseph Donato refused to provide his shield number to § 87(2)(b) |                                     |  |                                    |                                 |

### Case Summary

On June 3<sup>rd</sup>, 2020, § 87(2)(b) filed this complaint online via the CCRB website (**BR 01**).

On June 3<sup>rd</sup>, 2020, at approximately 12:00 p.m., Police Officer Joseph Donato, of the 107<sup>th</sup> Precinct, was assigned to a protest detail on the Brooklyn side entrance of the Manhattan Bridge. PO Donato had his shield number concealed with a mourning band (**Allegation A – Abuse of Authority: § 87(2)(g)**).

No arrests or summonses resulted from this incident.

There is no video evidence of this incident.

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: Police Officer Joseph Donato refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) was unavailable to the investigation and was not interviewed. In her website complaint (**BR 01**), § 87(2)(b) stated that PO Donato had his shield number concealed with a mourning band. § 87(2)(b) was not sure of the exact time of the incident. § 87(2)(b) provided a picture of PO Donato. The website complaint did not specify whether § 87(2)(b) took the photograph.

The photograph (**BR 02**) that § 87(2)(b) provided shows a uniformed male police officer with the surname “Donato” on the nameplate and a “107” pin on the collar. There is a black and blue mourning band on PO Donato’s badge which obscures his shield number.

PO Donato (**BR 03**) stated that he placed a mourning band on his badge, above his shield number, and did not move it at any point. When shown the abovementioned photograph, PO Donato explained that he had not covered his shield number intentionally and stated that the mourning band may have slipped. No civilian or officer told PO Donato that his mourning band covered his shield number.

Patrol Guide Procedure 204-17 states that police officers “may wear black elastic mourning band, ½ inch wide, on the shield, covering the seal of the city, but leaving the shield number or rank designation visible” (**BR 04**).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 05**).
- This is the first CCRB complaint to which PO Donato has been a party (**BR 06**).

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On August 24<sup>th</sup>, 2020, a FOIL request was sent to the Office of the Comptroller. Results will be attached upon receipt (**BR 07**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 08**).

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Squad No.: 4

Investigator: Justin Huang      Investigator Huang      08/25/2020  
Signature      Print Title & Name      Date

Squad Leader: Raquel Velasquez      IM Raquel Velasquez      08/25/2020  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date